

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to:

Mitchell Blankumsee
Case No.: 2:17-cv-01953-DGC

MOTION TO WITHDRAW AS COUNSEL OF RECORD

A. Layne Stackhouse of the law firm Shrader & Associates, L.L.P. hereby moves this Court pursuant to LRCiv 83.3(b) for an Order allowing her to withdraw as counsel of record in this action for the following reasons.

1. This action was filed June 22, 2017, on behalf of Mitchell Blankumsee. Mr.

Blankumsee claimed injuries due to his Bard IVC filter.

2. In December 2017, Plaintiff's counsel was informed by Mr. Blankumsee's next of kin, Carol Blankumsee, that he had recently passed away due to circumstances which were unrelated to his Bard IVC filter and claimed complications.

3. Counsel's office informed Ms. Blankumsee what steps needed to be taken to continue the action on behalf of his estate and sent Ms. Blankumsee the documents needed to continue the case and an envelope to obtain the death certificate. Counsel never received the death certificate or the necessary paperwork back from Ms. Blankumsee.

1 4. After numerous phone calls to Ms. Blankumsee, which were never answered or
2 responded to, at some point in time in the summer of 2018 Ms. Blankumsee's phone
3 number went out of service, so counsel sent letters indicating that if certain steps were not
4 taken promptly, counsel would be forced to dismiss this case. These letters were dated
5 August 2, 2018, August 20, 2018, and September 18, 2018.
6

7 5. On October 11, 2018, counsel had planned to move to withdraw as counsel of record
8 due to lack of contact, but counsel tried one last time to reach Ms. Blankumsee via phone
9 and was able to reach her. Counsel confirmed the address on the letters sent was correct
10 and explained, again, what steps would need to be taken in order to continue the case. Ms.
11 Blankumsee asked to be followed up with the following week.
12

13 6. On October 18, 2018, counsel was able to reach Ms. Blankumsee and was informed
14 that she wanted to dismiss the case. So counsel sent her one final letter to obtain consent
15 to dismiss in writing. It has never been returned and counsel has since been unable to
16 reach Ms. Blankumsee.
17

18 7. Given that counsel's withdrawal will leave Plaintiff without representation, counsel
19 notes that there is no trial set in this matter and there are no pending motions. Ms.
20 Blankumsee's current address is 2642 Ontario Street, Cincinnati, OH 45231 and her
21 current phone number is 513-484-7150. A copy of this motion will be served on her.
22

23 WHEREFORE, counsel respectfully moves the Court for an Order withdrawing A.
24 Layne Stackhouse and the law firm of Shrader & Associates, L.L.P. from representation
25 of Plaintiff Mitchell Blankumsee. A proposed order and declaration in support has been
26 filed herewith.
27
28

1 Dated: November 14, 2018.

2 **SHRADER & ASSOCIATES, L.L.P.**

3 By: /s/ A. Layne Stackhouse

4 A. Layne Stackhouse

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10 *Attorney for Plaintiff*

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on this 14th day of November, 2018, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.
15

16 /s/A. Layne Stackhouse